



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1651
#5
1651
5/14/02
RECEIVED

AUG 15 2002

In re patent application of

Docket No.: 06920001AA

John Mamana

Group Art Unit: 1651

TECH CENTER 1600/2900

Serial No.: 09/880,084

Examiner: Patten, Patricia A.

Confirmation No.: 3811

Filed: June 14, 2001

For: **METHOD AND COMPOSITION FOR CONTROLLING WEIGHT**

Commissioner of Patents and Trademarks
Washington, DC 20231

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Sir:

In an election/restriction requirement dated July 16, 2002, the Examiner required election under 35 U.S.C. § 121 between Group I, Claims 1-13, drawn to a composition comprising green tea, a green tea leaf extract chromium and 5-hydroxytryptophan and beta - h-droxy beta-methylbutyrate, classified in class 424, subclass 185.1 for example; Group II, Claims 14-20, drawn to a composition comprising green tea, a green tea leaf extract, chromium, and a cayenne fruit additive (as a few examples), classified in class 424, subclass 604 for example; or Group III, Claims 21-22, drawn to a weight controlling kit comprising green tea, a green tea extract, a chromium additive and a soy based meal replacement and method for controlling weight with such a composition, classified in class 424, subclass 757 for example.

Applicants: John Mamana
Application No.: 09/880,084

Applicants elect to prosecute Group I, Claims 1-13, drawn to a composition comprising green tea, a green tea leaf extract chromium and 5-hydroxytryptophan and beta - h-droxy beta-methylbutyrate, classified in class 424, subclass 185.1 for example.

It is not believed that any extensions of time or fees are required. However, if an extension of time is necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136, and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 23-1951.

Respectfully submitted,



Philip D. Lane
Reg. No. 41,140

Dated: August 13, 2002

McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-4215
Telephone: 703-712-5069
Fax: 703-712-5296